



JPW

PATENT

Customer Number: 22,852

Attorney Docket No. 09405-0001-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Heng-Chuang WANG et al. ) Group Art Unit: 1651  
)  
Application No.: 10/762,429 ) Examiner: Vera Afremova  
)  
Filed: January 21, 2004 ) Confirmation No.: 5189  
)  
For: NOVEL BIOLOGICAL )  
FLOCCULANTS AND )  
PRODUCTION METHODS )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

Applicants now respond to the Office Action mailed December 22, 2005.

The Examiner required restriction under 35 U.S.C. § 121 to one of the following groups of claims:

Group I - Claims 1-17, 19, 48, and 49, drawn to a flocculant preparation comprising *Bacillus* bacteria, classified in class 424, subclass 93.46, for example.

Group II - Claim 18, drawn to a flocculant preparation comprising a precipitate separated from a culture of *Bacillus* bacteria, classified in class 424, subclass 115, for example.

Group III - Claims 20-25, drawn to a flocculant comprising a soybean protein, classified in class 424, subclass 757, for example.

Group IV - Claim 26, drawn to a flocculation agent with ferric chloride, classified in class 210, subclass 749, for example.

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Group V - Claim 27, drawn to a flocculation agent with aluminum chloride, classified in class 210, subclass 749, for example.

Group VI - Claims 28-36, drawn to a method of making a flocculant preparation comprising a precipitate separated from a culture *Bacillus* bacteria, classified in class 435, subclass 170, for example.

Group VII - Claims 37-44, drawn to a method of making a powdered flocculant preparation comprising *Bacillus* bacterial cells, classified in class 435, subclass 41+, for example.

Group VIII - Claim 45, drawn to a first method of culturing *Bacillus* bacteria in a liquid medium, classified in class 435, subclass 252.31, for example.

Group IX - Claims 46, 47, 50-53, drawn to a method of using a flocculant preparation comprising *Bacillus* bacterial cells for treating water, classified in class 435, subclass 262, for example.

Group X - Claims 54-56, drawn to a method of using a flocculant preparation comprising a soybean protein for treating water, classified in class 210, subclass 749, for example.

Group XI - Claim 57, drawn to a second method of culturing or activating *Bacillus* bacteria on a solidified agar medium, classified in class 435, subclass 252.31, for example.

Office Action at pages 2-3.

Applicants provisionally elect Group III with traverse. First, as the M.P.E.P. provides, "If the search and examination of the entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." M.P.E.P. § 803 at 800-4 (8th ed. rev. 2, May 2004). There can be no serious burden to search all pending claims 1-44 and 46-56 because they all pertain to flocculants related to *Bacillus* with or without soybean protein (Groups I and II) or flocculants related to soybean protein (Group III). Groups IV and V relate to chemical additives thereof (adding ferric chloride or aluminum chloride). Thus, a literature search conducted on *Bacillus* and soybean protein related flocculants

would encompass claims to flocculant preparations as well as to method of making (Groups VI and VII) and using (Groups IX and X) the flocculants.

In the alternative, all of the groups contain claims pertaining to soybean protein related flocculants, e.g. claims 10-17 of Group I (*Bacillus* and soybean protein), claim 18 of Group II (precipitate from culture comprising *Bacillus* and soybean protein) , claims 20-25 of Group III (soybean protein), claim 26 of Group IV(flocculants with the addition of ferric chloride), claim 27 of Group V (flocculants with the addition of aluminum chloride), claims 40-44 of Group VII (method of making the *Bacillus* and soybean containing flocculant), claims 46 and 47 of Group IX (method of treating water with *Bacillus* and soybean containing flocculant), and claims 54-56 of Group X (method of treating water with soybean containing flocculant). Thus, a literature search conducted on soybean protein related flocculants would apply to all of these claims. Therefore, claims 1-44 and 46-56 should be examined together, or at a minimum, claims 10-17 of Group I, claim 18 of Group II, claims 20-25 of Group III, claim 26 of Group IV, claim 27 of Group V, claims 40-44 of Group VII, claims 46-47 of Group IX, and claims 54-56 of Group X should be searched and examined together to avoid unnecessary delay and duplicative examination.

It is therefore respectfully requested that the restriction requirement be reconsidered. In the event that the restriction requirement is maintained, Applicants reserve the right to file divisional applications on the non-elected inventions and/or to request rejoinder of appropriate claims once the subject matter of claims 20-25 is found allowable.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: January 20, 2006

By: Anna Y. Tsang  
Anna Y. Tsang by Jean B. Jendis  
Reg. No. 48,003 Reg No. 32,904